

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

United States of America)

v.)

Dylan HENRY)

Case No. C-20-1232M

JUN 12 2020
David J. Bradley, Clerk of Court*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 10, 2020 in the county of Nueces in the

Southern District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Possessed a Sig Sauer, Model Sig 716, 7.62x39mm caliber semi-automatic rifle, serial number 22G006827 and a Savage Arms, 12 gauge pump action shotgun, serial number 141362B, which was manufactured outside of Texas, after 1898, thereby traveling in and affecting interstate commerce, after being convicted of a crime punishable by a term exceeding one year and knowing he was a previously convicted felon.

This criminal complaint is based on these facts:

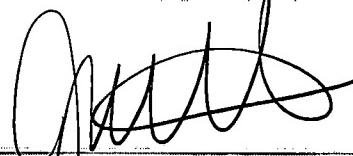
See attached Affidavit

 Continued on the attached sheet.


Complainant's signature

Richard Miller, Supervisory Special Agent ATF

Printed name and title



Judge's signature

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on June 12, 2020

City and state: Corpus Christi, Texas

Julie K. Hampton, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

I, Richard Miller, being duly sworn, depose and state that:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice, and have been so employed since July 16, 2001. I am a graduate of the United States Department of Treasury Criminal Investigator Training Program and the ATF National Academy. As a Special Agent with the ATF, I am vested with the authority to investigate violations of Federal laws, including Title 18 and Title 26 United States Code. I know that it is a violation of:

18 USC 922 (g)(1), for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; to possess any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

2. Your affiant is familiar with the information contained in this affidavit, either through personal investigation or through discussion with other law enforcement officers, who have participated in and have contributed documentary reports of their investigative efforts in this matter.
3. On June 11, 2020, your affiant reviewed Corpus Christi Police Department (CCPD) offense reports regarding the arrest of Dylan HENRY for Aggravated Assault and Felon in Possession of a Firearm (State Charges) on June 11, 2020 in Corpus Christi, Texas.
4. The reports document on June 10, 2020 at approximately 9:37 pm a CCPD Officer was traveling in the area of Angela Drive and West Point Road when the Officer heard several gunshots coming from a residential structure in the 800 block of West Point Drive. The Officer pulled up to the structure and made contact with a gunshot victim and witnesses of the shooting. The witnesses advised the suspect fled on foot prior to the Officer arriving. A witness also stated the suspect lives down the street in the blue apartments.
5. Several Officers responded to the scene and assisted with the investigation. During the investigation, Officers identified the shooting suspect as Dylan HENRY. Officers located two vehicles registered to HENRY parked in front of HENRY'S apartment including a Ford F-150 pickup. While checking the vehicles for HENRY an Officer observed through a window in plain view a rifle and the grip of a pistol grip shotgun.

6. Officers knew from experience and prior contact with HENRY that HENRY is a previously convicted felon. Based on this information and their observations of firearms inside HENRY'S vehicle Officers applied for and received a State search warrant for the vehicle. During the search Officers located and seized the following:
 - A loaded Sig Sauer, Model Sig 716, 7.62x39mm caliber semi-automatic rifle, serial number 22G006827
 - A Savage Arms, 12 gauge pump action shotgun, serial number 141362B.
 - A Quantity of Synthetic Marijuana

Officers also located DYLAN'S Texas driver license inside the vehicle, paperwork documenting HENRY'S purchase of the vehicle and a traffic ticket issued to HENRY from Texas DPS on May 31, 2020.

7. During the investigation, HENRY walked into the area near his apartment and the shooting. Officers located and arrested HENRY. HENRY was charged with Aggravated Assault and Felon in Possession of a Firearm (State Charge).
8. NCIC and District Clerk records reflect HENRY has the following previous felony convictions.
 - a. 399th District Court, San Antonio, Texas, Case No. 2009CR2924W, Burglary of a Building, State Jail Felony, sentenced to 9 months State Jail September 16, 2013.
 - b. 319th District Court, Corpus Christi, Texas, Case No. CR15000310G, Unlawful Possession of Firearm by Felon Third Degree Felony, sentenced to 10 years prison June 24, 2015.
 - c. United States District Court, Southern District of Texas, Corpus Christi Division, Case No. 2:17CR00742-001, Felon in Possession of a Firearm, convicted January 4, 2018. Sentenced April 10, 2018 to 26 months Federal Bureau of Prisons and 3 years supervised release.
9. Your affiant confirmed HENRY was recently released from Federal prison and is currently on Federal supervised release in Corpus Christi, Texas.
10. On June 11, 2020, your affiant consulted with ATF Special Agent David Morris, Interstate Nexus Expert, regarding the firearms and ammunition possessed by HENRY and described above. S/A Morris determined the firearms are firearms as defined in Title 18 United States Code Chapter 44, and the firearms were manufactured outside the state of Texas, after the year 1898, therefore affecting interstate commerce when the firearms arrived in the state of Texas.

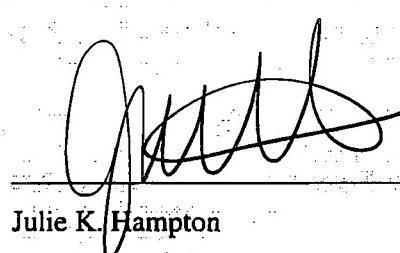
CONCLUSION

11. Based on the above information, your affiant believes Dylan HENRY possessed firearms manufactured outside the State of Texas after the year 1898, after having been convicted of a crime punishable by a term of imprisonment exceeding one year, knowing he was a previously convicted felon, which is in violation of Title 18, United States Code, Section 922 (g) (1).



Richard Miller
Supervisory Special Agent, ATF

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on June 12, 2020



Julie K. Hampton
United States Magistrate Judge